S.B. CIVIL WRIT PETITION NO.4680/2004.

DATE: 21.02.2005.

HON'BLE MR. R.P. VYAS, J.

Mr. R.K. Bhatia for the petitioner.
Mr. Rameshwar Dave, Dy. Govt.Advocate.

The instant petition is directed against the order dated 26.6.2003 (Annex.10)passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur, Circuit Bench at Jodhpur.

Brief facts as alleged in the memo of appeal are that the petitioner is a Junior Engineer in Panchayat Samiti. When the petitioner was working as such in Panchayat Samiti, Rohat (Pali) during the year 1999, he had to conduct tours in connection with the official work.

The petitioner submitted the travelling expenses bills for the months June, July, August, September, October, November and December 1999. He also submitted the Medical Bills for the months of May, June and July 2000 alongwith T.A. Bills of March, April and May 2000 vide letter dated 20.9.2000 (Annexure 1), but no effective step was taken by the respondent authorities for making the payment of T.A. Expenses and medical bills.

Thereafter, the petitioner served a legal notice dated 24.2.2002 (Annexure P/6).

In response to the said notice, the respondents vide letter dated 20.3.2003 informed the petitioner that the T.A. Bills have become time barred and hence indemnity bond is required. It is further alleged in the said letter that the petitioner was directed to act as per Rural Guide Darshika 2001 and submit his report.

In reply to the letter dated 20.3.2003, the petitioner sent a reply alleging therein that the bills were submitted in time and clarified that the claims were of the year 2000, but the guide lines have been issued in the year 2001 and the same are to be prospective effected rather than retrospective. But no response was given by the respondents.

Being aggrieved by the inaction of the respondents, the petitioner preferred an appeal before the Rajasthan Service Appellate Tribunal at Circuit Bench, Jodhpur.

The Tribunal vide its order dated 26.6.2003 dismissed the appeal the appellant-petitioner on the

ground that the appeal is pre-mature as the matter is pending consideration for payment and no specific order has been passed by the Department.

Being aggrieved by the order dated 26.6.2003 (Annex.10), the petitioner preferred the present writ petition.

Heard learned counsel for the parties.

It is admitted position on record that the matter is pending consideration with the department since 2004, but no reply has been filed till date, whereas notices have already been served long back. No stand has been taken to file the reply to the present writ petition.

During the course of the arguments, learned counsel for the petitioner submitted that the petitioner shall make a representation with regard to the non-payment of the T.A. Bills and Medical Bills. Therefore, the respondents may be directed to decide the same within a stipulated period.

This submission of the learned counsel for the petitioner is not controverted by the learned counsel appearing for the respondents.

In view of the submissions made by the learned counsel for the parties and in the interest of justice, the request made by the learned counsel for the petitioner appears to be a genuine and the same is accepted.

The writ petition is disposed of in the manner that the petitioner is directed to file a fresh representation with complete details regarding T.A. Bills as well as Medical Bills before the respondents, within a period of 15 days from today, and the respondents are directed to decide the same, in accordance with law, within a period of two months thereafter.

If the petitioner is found entitled to the relief sought for, the same may be granted to him and if he is not found entitled to the same, a reasoned and speaking order, strictly in accordance with the Rules, may be passed after affording an opportunity of hearing to the petitioner.

The finding of the Tribunal, if any, will not come in the way of the respondents while deciding the representation.

With the aforesaid observations and directions, the writ petition stands disposed of.

(**R.P. VYAS)J.**

Anil